

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/800,337	JOHNSON, RICHARD R.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andrea M. Valenti	3643	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 15 February 2005.
2. ☒ The allowed claim(s) is/are 1-3,5,7 and 10.
3. ☒ The drawings filed on 15 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                       |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.  |

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sean A. Kaufhold on 20 April 2005.

The application has been amended as follows:

Claim 1, line 5, "a pair of legs, each of said each of said legs" was changed to --a pair of legs, each of said legs--

Claim 2, line 1, "The support assembly" was changed to --The bird feeding assembly--

Claim 3, line 1, "The support assembly" was changed to --The bird feeding assembly--

Claim 5, line 1, "The support assembly" was changed to --The bird feeding assembly--

Claim 7, line 1, "The support assembly" was changed to --The bird feeding assembly--

Claim 9 was cancelled

Claim 10, line 4, "a pair of legs, each of said each of said legs" was changed to --a pair of legs, each of said legs--

***Allowable Subject Matter***

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Claims 1, 2, 3, 5, 7, and 10 are allowed.

The following is an examiner's statement of reasons for allowance:

Cited references U.S. Patent No. 6,024,047; U.S. Patent Des. 426,683; U.S. Patent Des. 56,280; U.S. Patent No. 1,794,718; U.S. Patent No. 1,791,175; U.S. Patent No. 4,958,595; U.S. Patent No. Des. 224,823; U.S. Patent No. 2,133,637; U.S. Patent No. 3,503,372; U.S. Patent Des. 329,509; United Kingdom Patent GB 2275408; Switzerland Patent CH 613603 A5; PCT WO 94/07360 teach bird feeding assemblies with solid mass of bird seed, covers, a base, legs, and a coupler.

The prior art of record all fails to show, and fails to make obvious, either alone and/or in combination a bird feeder **consisting of** a substantially solid mass of bird seed; a base having an upper surface and a lower surface and a peripheral edge; a pair of legs, each of the legs having a first and second end, each of the first ends being attached to the base such that each of the legs extends upwardly from the base, each of the legs being arced such that the second ends abut each other and an inner perimeter edge of the legs is defined; a cover being attached to an outer perimeter edge of the legs such that the cover extends over the base and a coupler being attached to the pair of legs, the coupler is removably securable to the bird seed such that the bird seed is suspended between the legs.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrea M. Valenti  
Patent Examiner  
Art Unit 3643

20 April 2005



Peter M. Poon  
Supervisory Patent Examiner  
Technology Center 3600